



VETO MESSAGES

OF

A. HARRY MOORE, *Governor*

TO THE

**One Hundred and Fifty-first Session
of the New Jersey Legislature**

1927



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SENATE NO. 23.

To the Senate:

I return, without approval, Senate Bill No. 23.

This is intended to authorize the Commissioner of Labor and his deputy to include, in any award for compensation cases, attorney's fees not exceeding twenty per cent. of the award.

Of course, what will happen is that in each case the attorney's fee will be twenty per cent. It would be asking too much of human nature not to expect the maximum allowance in each case.

Respectfully submitted,

[SEAL.]

A. HARRY MOORE,

Attest:

Governor.

(Signed) FRED L. BLOODGOOD,
Secretary to the Governor.

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SENATE NO. 82.

To the Senate:

Senate Bill No. 82 is herewith returned without approval.

This bill accomplishes the same result as Senate Bill No. 37 of the 1926 session of the Legislature. While framed along somewhat different lines from the proposal of last year, its effect upon the public right is the same. For a definite, certain obligation to repair, Senate No. 82 proposes to substitute one of uncertainty and indefiniteness, and likely to be productive of much litigation.

It is not clear how the obligation to pave, arising under this measure, if any, is to be enforced, and I fear, if this bill should become law, judicial construction of this feature of the measure would be unavoidable.

It seems to me to be better policy to allow the settlement of a proper rate of fare to stand or fall on its own merits, and not to involve it with relieving the trolley companies of fixed,

determined obligations, substituting in their place others of such uncertain character; hence I am constrained to veto this measure.

Respectfully submitted,

[SEAL.]

A. HARRY MOORE,

Attest:

Governor.

FRED L. BLOODGOOD,

Secretary to the Governor.

SENATE NO. 83.

To the Senate:

I return, without approval, Senate Bill No. 83, because this bill will produce an unworkable and impracticable result.

It provides that in every case where the prosecutor of the pleas is called upon to expend more than one hundred and fifty dollars, such expense shall not be approved by the court until the board of freeholders has been given an opportunity to be heard on the question of the reasonableness of such expenditure.

The result would be a number of demands upon the time of our judges and boards of freeholders, and consequently interfere with the work of the prosecutors throughout the State.

The practice now followed has been found, with but two exceptions, to be satisfactory for many, many years.

Respectfully submitted,

[SEAL.]

A. HARRY MOORE,

Attest:

Governor.

(Signed) FRED L. BLOODGOOD,

Secretary to the Governor.

SENATE NO. 98.

To the Senate:

I am constrained to withhold my approval from Senate Bill No. 98 because the bill, if it should become a law, would cause a great deal of confusion and embarrassment to the members of the County Boards of Election, who, under this bill, would this year have to appoint all of the election officers by April 1st.

Since this measure cannot be returned to the Senate until that date is upon us, an impossible task is created.

It is a departure from the present law, which has worked satisfactorily in the placing of names of candidates for office of the

various political parties on the ballot, and it would give first place on the ballot to the political party which has polled the highest number of votes for its Assembly candidates.

It is apparent that this amendment to the original act was made, not in a scientific attempt to simplify the machinery of elections, but for a strictly partisan purpose.

Respectfully submitted,

[SEAL.]

Attest:

(Signed) FRED L. BLOODGOOD,
Secretary to the Governor.

A. HARRY MOORE,
Governor.

SENATE NO. 99.

To the Senate:

This bill proposes certain amendments to Chapter 328, P. L. 1926, known as the "Permanent Registration Act."

That statute, when submitted for approval, was vetoed. Apparently that veto was justified, for we now have, within less than one year after its adoption and before it has begun to function, a bill to amend thirteen sections thereof.

This scheme fails to impress one as a step in the right direction toward simplification of discharge of the franchise.

I see no good purpose in this bill, and hence must veto it.

Respectfully submitted,

[SEAL.]

Attest:

FRED L. BLOODGOOD,
Secretary to the Governor.

A. HARRY MOORE,
Governor.

SENATE BILL NO. 145.

To the Senate:

Senate Bill No. 145 is herewith returned without approval.

This measure is designed to validate ordinances and codes passed or adopted by local boards of health, which, however, were not published, as required by law.

So simple a remedy exists as to compel the conclusion that already crowded statute books should not be further burdened

with laws of this nature. Why not re-enact any ordinance defectively adopted through lack of publication, and publish in the manner required by law?

Respectfully submitted,

A. HARRY MOORE,
Governor.

P. S.—Hundreds of people throughout the State, including the Society for the Prevention of Cruelty to Animals, objected to the bill providing for the inoculation of dogs with various serums, and I am informed that this is the same bill in disguise.

A. HARRY MOORE.

[SEAL.]

ATTEST:

FRED. E. BLOODGOOD,
Secretary to the Governor.

SENATE NO. 162.

To the Senate:

This measure is returned without approval because it divests the proper subordinate agency of the State; namely, the State Department of Health, of the discretion to prescribe when and where, and under what circumstances, bathing in potable waters, sources of supply of many communities of the State, may be prohibited or may be permitted. Henceforth, if this bill is to become a law, it will be possible for anyone to operate commercialized bathing immediately above the intake of any of our sources of water supply in this State, provided the operator owns or leases the lands bordering upon the stream.

This bill is offensive, and permits visions nauseous and disgusting, and constitutes, in my judgment, a distinct step backward in the administration of the public health law.

Respectfully submitted,

[SEAL.]

Attest:

FRED L. BLOODGOOD,
Secretary to the Governor.

A. HARRY MOORE,
Governor.

SENATE NO. 262.

To the Senate:

I return, without approval, Senate Bill No. 262.

This bill affects commission-governed cities, and vests in the governing body discretion in respect to the distribution of the powers of the board.

Under the present law, each department is clearly defined.

This bill would give the majority in a commission power to delegate to the minority member or members only such powers as their whim or political expediency might dictate, and thus gives to the majority powers that were not contemplated under the original act.

Respectfully submitted,

[SEAL.]

A. HARRY MOORE,

Attest:

Governor.

(Signed) FRED L. BLOODGOOD,
Secretary to the Governor.

SENATE NO. 275.

To the Senate:

I return herewith Senate Bill No. 275 without my approval, because it refers to the gasoline tax, which latter bill I have not approved.

Respectfully submitted,

[SEAL.]

A. HARRY MOORE,

Attest:

Governor.

(Signed) FRED L. BLOODGOOD,
Secretary to the Governor.

ASSEMBLY NO. 9.

To the House of Assembly:

I return Assembly Bill No. 9, without approval for these reasons.

As originally adopted in 1908, the act providing for the government of cities contemplated a balanced government, appointments to office of such agents and employees as were found neces-

sary being made by the mayor, subject to confirmation by the city council, except in the case of city clerk, who was to be selected by the city council. Hence, there existed a check upon arbitrary or ill-considered action on the part of the mayor in the selection of the city's agents.

That such scheme of government was sound and satisfactory is attested by the fact that various communities of the State have existed under this statute for almost twenty years without any substantial change in the respect referred to.

This bill works a complete change in the theory of government provided for such municipalities. Control of the city council over the acts of the mayor in appointments to office is completely removed, so that, in effect, those municipalities which are functioning under this statute have substituted a new government, radically different from that in existence at the time the chief executive was chosen by the people.

Companion to this measure are Assembly Bills Nos. 10 and 11, which are likewise returned without approval, Assembly Bill No. 11 being particularly vicious, inasmuch as it legislates out of office all officers or persons holding positions in all departments, boards, commissions or agencies in any city operating under said statute, and provides for the filling of the vacancies so created by the mayor of such city.

Assembly Bill No. 10 is passed to repeal those sections of the act in question which are found to be in conflict with the policy expressed in the two other bills.

The measures are clearly special, and are introduced in the interest of giving power to the mayor of Union city, in Hudson county, so that he may remove from office all those in office at the time of his election. Such grant of power is clearly an extension of authority which the people of the community do not desire the chief executive of their city to have.

To grant any power and authority now in aid of the settlement of a political controversy is violative of the principle of fair play, and contrary to the letter and spirit of the Constitution.

Respectfully submitted,

[SEAL.]

Attest:

A. HARRY MOORE,
Governor.

FRED L. BLOODGOOD,
Secretary to the Governor.

ASSEMBLY NO. 10.

To the House of Assembly:

For the reasons expressed in the veto on Assembly Bill No. 9, this bill is returned herewith, without my approval.

Respectfully submitted,

[SEAL.]

A. HARRY MOORE,

Attest:

Governor.

FRED L. BLOODGOOD,
Secretary to the Governor.

ASSEMBLY NO. 11.

To the House of Assembly:

For the reasons expressed in the veto on Assembly Bill No. 9, this bill is returned herewith, without my approval.

Respectfully submitted,

[SEAL.]

A. HARRY MOORE,

Attest:

Governor.

FRED L. BLOODGOOD,
Secretary to the Governor.

ASSEMBLY NO. 19.

To the House of Assembly:

I return, without my approval, Assembly Bill No. 19.

This is the bill intended to authorize a tax of two cents per gallon on gasoline sold in this State.

I do not believe in the principle of a gasoline tax. The tendency in other States has been to continually increase it, as, for instance, in Alabama the original tax of two cents is now four cents; in Idaho it was three cents, now four cents; in New Mexico it was three cents, now five cents; in Wyoming it is now three cents, formerly two and one-half cents, and the same seems to be true of several other States.

Then, too, it is well to consider upon whom the tax will fall. The manufacturer will not pay it; it will add to the cost of his product. The farmer will not pay it, because naturally he will add it to the cost of his produce. The tradesman will in turn

add it to the cost of his stock, and the tax will fall upon the man who has no one else upon whom to visit the burden, and thus he will not only pay his own tax, but will also be shouldered with the tax of those quoted above.

I believe that the State is in a position to refund, without increasing the tax burden upon the people, a bond issue of at least sixty million dollars, which, with the increase in motor vehicle fees, will be sufficient when added to other revenues.

There are other reasons but the above are sufficient.

Respectfully,

[SEAL.]

Attest:

A. HARRY MOORE,
Governor.

FRED L. BLOODGOOD,
Secretary to the Governor.

COMMITTEE SUBSTITUTE FOR ASSEMBLY NO. 44.

To the House of Assembly:

I return, without approval, Committee Substitute for Assembly Bill No. 44, for this reason:

In effect, the measure constitutes the Mayors of cities operating under the statute to which this is a supplement, members of the Common Council, and grants to such Mayors powers which they did not possess at the time of their election to office, nor contemplated at the time of the acceptance of the statute by the people of any community functioning under the provisions of such statute.

Respectfully submitted,

A. HARRY MOORE,
Governor.

[SEAL.]

ATTEST:

FRED L. BLOODGOOD,
Secretary to the Governor.

ASSEMBLY NO. 89.

To the House of Assembly:

I have withheld my approval from Assembly Bill No. 89, even though I heartily endorse the principle of the bill.

The Medical Society of New Jersey and other interested people have protested against the passage of the bill because it provides

that: "Said inspector or nurse shall lecture before the teachers, * * * instructing them concerning the methods employed to detect the first signs of communicable diseases and the recognized measures for the promotion of health and the prevention of disease," and they feel that a nurse is not competent to replace the physician in giving such instruction.

It also provides that: "A board of education may exclude from school any child whose presence in the schoolroom shall be certified by the medical inspector or nurse as detrimental to the health of the pupils in the school," etc., and they believe this clause might result in a pupil being dismissed from school for an alleged medical cause merely upon the report of a nurse, without that child having at any time been inspected or passed upon by any medical authority.

They also call attention to the fact that the word "registered" has been stricken out, and the word "nurse" left in, and they feel that this is a very serious condition, because it will permit school boards to appoint to such positions any person who calls herself a "nurse," requiring no evidence of her training or ability, and confer upon her all the authority which the State Medical Society felt even the "registered" nurse was not qualified to assume.

Respectfully,

A. HARRY MOORE,
Governor.

[SEAL.]

Attest:

FRED L. BLOODGOOD,
Secretary to the Governor.

ASSEMBLY NO. 94.

To the House of Assembly:

Assembly Bill No. 94 is herewith returned without approval.

This bill proposes to vest in the Board of Commerce and Navigation supervision of construction and alteration, by other State agencies, of bridges or other structures over tidal streams.

I can see a possibility of confusion and deadlock arising as the result of the adoption of this measure. Perhaps, if some power or authority were vested in the Executive to decide in case of dispute as to the propriety of action by the Board of Commerce and Navigation, the measure would be more practicable.

If it can be amended in accordance with this suggestion, I will be glad to approve it.

Respectfully submitted,

[SEAL.]

A. HARRY MOORE,

Governor.

Attest:

FRED L. BLOODGOOD,

Secretary to the Governor.

ASSEMBLY NO. 119.

To the House of Assembly:

Assembly Bill No. 119, is returned unapproved.

This measure authorizes the creation of an insurance fund for the benefit of teachers in industrial schools.

Apparently the beneficiaries of such insurance fund are not to be required to contribute thereto, although it is not clearly stated in the bill just how the annuities and benefits to be paid are to be raised. If such annuities are to be raised at the exclusive expense of the State, then I see no good reason why teachers in industrial schools should be treated on any other basis than those employed in the general school system.

The New Jersey State Teachers' Association and a large number of local teachers' clubs have written me, protesting against the bill, because it is not based upon the contributory principle.

Respectfully,

A. HARRY MOORE,

Governor.

[SEAL.]

Attest:

FRED L. BLOODGOOD,

Secretary to the Governor.

ASSEMBLY BILL NO. 160.

To the House of Assembly:

I return herewith Assembly Bill No. 160 without my approval for the reason that it removes the protection of the Tenement House law from three-family houses. These houses are invariably occupied by people of smaller means than the tenants of larger buildings, and they should not be deprived of the sanitary and fire protection afforded other buildings.

In case of fire in a row of these structures, great loss of life might ensue, because of lack of fire escapes and other protection. The bill applies especially to Asbury Park and Atlantic City.

Respectfully submitted,

[SEAL.]

Attest:

FRED L. BLOODGOOD,
Secretary to the Governor.

A. HARRY MOORE,
Governor.

ASSEMBLY NO. 170.

To the House of Assembly:

I return, without approval, Assembly Bill No. 170, because, under this bill, it would be possible for any county to escape responsibility for the cost of restoring a part of the county road system to good order by turning over such portion of the county road system to the municipality in which it lies. No power or authority of refusal is vested in the municipality. It seems to be mandatory upon the municipality to accept the return of each road, regardless of the condition into which it may have fallen through neglect of the Board of Freeholders.

Then, too, a bill was recently passed providing that the State Highway Commission could not turn back to the county any road unless the same was resurfaced and in good condition. This bill was sponsored by the counties, and it seems to me that they should not refuse to do for the municipalities the thing that they insist the State Highway Commission should do for them.

I have many protests from cities concerning this bill.

Respectfully,

[SEAL.]

Attest:

FRED L. BLOODGOOD,
Secretary to the Governor.

A. HARRY MOORE,
Governor.

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ASSEMBLY NO. 222.

To the House of Assembly:

I return herewith Assembly Bill No. 222 without my approval, because this is a companion bill to the Gasoline Tax Act, which would probably not have been passed were it not for the latter bill. It would hardly be fair for me to disapprove one bill and approve the other.

I find that the various cities and counties throughout the State would lose approximately \$3,888,300.51 by the enactment of this bill into law. Their budgets are predicated upon the assumption that they will receive that much money from this source, and of course, if they do not obtain it from automobiles they will place it on other property, so that, in the final analysis, the bill does not afford the relief indicated.

Respectfully submitted,

[SEAL.]

A. HARRY MOORE,
Governor.

Attest:

FRED L. BLOODGOOD,
Secretary to the Governor.

ASSEMBLY NO. 278.

To the House of Assembly:

I return, without approval, Assembly Bill No. 278.

This measure is intended to compel the county of Hudson to pay an individual who was sheriff of that county approximately twenty-two years ago a sum of money alleged to be due him for the cost of feeding prisoners in excess of the *per diem* allowance.

The claim was presented to the Board of Freeholders of that county, and, on advice of county counsel, rejected.

If the individual in question had a claim, it should have been prosecuted in the courts of the State. If the claim was not valid, it seems to me to be highly improper, after a lapse of so many years, to validate such a claim by legislation.

Respectfully,

[SEAL.]

A. HARRY MOORE,
Governor.

Attest:

FRED L. BLOODGOOD,
Secretary to the Governor.

ASSEMBLY BILL NO. 283.

To the House of Assembly:

Assembly Bill No. 283 is herewith returned without approval.

This bill cannot be approved because I believe the remedy for the difficulty which the bill attempts to correct is so simple as to not require the passage of legislation.

As I understand this bill, some officer or employee of a municipality received an increase in salary. The increase was granted

by resolution or motion. Under the law it should have been done by ordinance.

Why the governing body of the community affected by the bill does not proceed to fix the salary I am unable to understand. It should do so, rather than encumber the statute books with another law, which can operate only as to a particular case.

Respectfully submitted,

[SEAL.]

A. HARRY MOORE,
Governor.

Attest:

FRED L. BLOODGOOD,
Secretary to the Governor.

ASSEMBLY NO. 316.

To the House of Assembly:

Assembly Bill No. 316 is returned without my approval.

This bill annexes part of the township of Egg Harbor to the city of Somers Point. The line as drawn annexes property which is owned almost entirely by one person. It divides the line so that the most desirable portion is placed in Somers Point, and the rest of it left in Egg Harbor township.

There is considerable objection to the proposal.

Respectfully,

[SEAL.]

A. HARRY MOORE,
Governor.

Attest:

FRED L. BLOODGOOD,
Secretary to the Governor.

ASSEMBLY NO. 371.

To the House of Assembly:

I return, without my approval, Assembly Bill No. 371, because the measure would authorize any five persons to form an association for the purpose of acquiring lands conceived to be of historical value or interest.

The bill vests in such association, when formed, the power of eminent domain.

This principle ought not to be distributed by the State and vested in agencies over which the State has very little, if any, control. The express object of the bill can be just as well ac-

complished by resorting to the statute authorizing the organization of an association not for pecuniary profit.

Respectfully,

A. HARRY MOORE,

Governor.

[SEAL.]

Attest:

FRED L. BLOODGOOD,

Secretary to the Governor.

ASSEMBLY NO. 415.

To the House of Assembly:

I return, without approval, Assembly Bill No. 415.

This measure transfers to the State at large, from the various counties affected thereby, the engineering charges incurred in connection with the improvement by such counties of State highways, and also interest paid out by such counties on money borrowed to finance the work. How the engineering charges are to be determined does not seem clear.

Most of our counties have engineers, regularly employed under a fixed compensation, to attend to the engineering work of the county. I am at a loss to understand how such engineering will be apportioned.

The counties which are affected by this resolution eagerly sought the opportunity to improve roads.

It is my understanding that the sum of money involved is quite considerable. I believe the items of the engineering expense and interest should be borne by the counties themselves.

Respectfully,

A. HARRY MOORE,

Governor.

[SEAL.]

Attest:

FRED L. BLOODGOOD,

Secretary to the Governor.

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